

**TOWN OF GILBERT  
PLANNING COMMISSION, REGULAR MEETING STUDY SESSION  
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE GILBERT ARIZONA  
JANUARY 8, 2014**

**COMMISSION PRESENT:**

**Chairman Jennifer Wittmann  
Vice Chairman Joshua Oehler  
Commissioner Brigitte Peterson  
Commissioner Anthony Bianchi  
Commissioner David Cavenee  
Commissioner Kristofer Sippel  
Alternate Commissioner Khyll Powell**

**COMMISSION ABSENT:**

**None**

**STAFF PRESENT:**

**Planning Services Manager Linda Edwards  
Principal Planner Catherine Lorbeer  
Senior Planner Al Ward  
Senior Planner Maria Cadavid  
Planner Amy Temes  
Planner Curtis Neal  
Planner Nathan Williams**

**ALSO PRESENT:**

**Town Council Member Jenn Daniels  
Town Attorney Phyllis Smiley  
Town Attorney Michael Hamblin  
Recorder Margo Fry**

**CALL TO ORDER:**

Chairman Jennifer Wittmann called the meeting to order at 6:00 p.m.

**Z13-04: REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE, CHAPTER I ZONING REGULATIONS, DIVISION 2, LAND USE DESIGNATIONS, ARTICLE 2.3 COMMERCIAL DISTRICTS, SECTION 2.303 RELATED TO AMENDING THE RESIDENTIAL, PERMANENT, MULTI-FAMILY USE TO ADD ADDITIONAL REGULATIONS AND AMENDING SECTION 2.306 ADDITIONAL USE REGULATIONS BY ESTABLISHING REQUIRED FINDINGS TO PERMIT RESIDENTIAL, PERMANENT, MULTI-FAMILY IN THE RC ZONING DISTRICT.**

Planner Amy Temes stated that in March 2013 The Planning Commission initiated the text amendment for Multifamily Residential within Regional Commercial and a steering committee was formed consisting of developers, property owners zoning attorneys, representatives from the Gilbert Chamber and the Small Business Alliance as well as the Planning Commission and staff to discuss and make recommendations regarding Multifamily (MF) within Regional Commercial (RC). Mixed use is allowed within RC without Residential and is allowed with loft residential today without a use permit. Multifamily is currently allowed today within Regional Commercial mixed-use as a mixed use product as part of a Mixed-Use development

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but there have been no parameters set upon that in order to define what is a Mixed-Use development and what is required to make it viable. What the Steering Committee was tasked with was to move forward and determine whether the Use Permit process was a viable process and whether Multifamily needed to come out of Regional Commercial or could there be additional findings added to the standard Use Permit findings in order to make it more specific for Multifamily housing within Regional Commercial or was there an entirely different process that had not been discussed as staff that could possibly help define that a little more. Through the discussions that occurred the Stakeholder Group found that there is a growing demand for Multifamily in the Town of Gilbert and the Town should retain Multifamily as an option within the RC zoning district and that it was a viable alternative in an RC zoning district for obsolete commercial centers where perhaps there is commercial on 3 or 4 corners and one of the commercial centers is failing to be able to come back in and integrate Mixed-Use with Residential as the component into that commercial center to make it more viable. It would also allow for under-utilized commercial land and land use properties to be able to develop with Mixed-Use development whether vertical or horizontal, allow for flexibility in Mixed-Use development, and in the end they determined that adding additional findings to the use permit was probably the best route to go and that also to have design guidelines that were based upon the Capstone Study that the ASU interns did for the Town several years ago would be a good guide to start with to define and determine the guidelines that those findings would be based on. Planner Temes reminded the Commission of the 4 findings of a Conditional Use Permit which are that there is no detriment to health and safety, they conform to the general plan, meet all building and zoning codes and does not interfere with the enjoyment of adjacent property. She then referred to the 4 findings on page 3 of the staff report that were being recommended by the Steering Committee and staff:

1. *MIXED LAND USES*- Project demonstrates that land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned).
  2. *SUSTAINABILITY THROUGH COMPACT DESIGN*- Project demonstrates that site layout is compact, incorporates shared parking and/or on-street parking and enables future intensification of development and changes in land use over time.
  3. *PEDESTRIAN SCALE AND ORIENTATION*- Project demonstrates that all portions of the development are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities.
  4. *TRANSPORTATION AND CONNECTIVITY*- Project demonstrates that the development is part of a connected street and/or transit system that serves vehicles, pedestrians and bicycles.
- Staff recommends adding a fifth finding:
    5. *PLACEMAKING* - The proposed Project demonstrates that it provides safe, attractive, comfortable, and significant public spaces.

Planner Temes noted that the steering committee was somewhat apprehensive about adding the 5<sup>th</sup> finding because it is somewhat subjective for each and every project. If looked at based on the guidelines you can begin to see the parameters and what creates it. The idea of adding percentages and dimensions to some of those or minimum quantities is not something that the Steering Committee thought was a very good idea because once you start putting numbers to something you are limiting the creativity of what could come through the door based on a preconceived idea that isn't necessarily the idea that the applicant has. They do not want to limit that creativity because the idea of Mixed-Use is to foster that creativity and bring it forward through the idea of place making which is part of every one of the other 4 findings. Another finding that was discussed was economics. It is a key component and a major heading within the Capstone project. Another heading could potentially be Surrounding and Community Integration. Based on the outcome of the 3 Steering Committee meetings and research that Planner Milillo has done over the previous 8/9 months of the 4 findings brought forward, plus the potential 5<sup>th</sup>, staff asked for the input of the Commission as well as their input over the definition of Mixed-Use. Planner Temes said that the definition that was in the ASU Capstone Project was "Mixed-Use development is an efficient integration of

nonresidential and residential uses that cultivate a sense of community live work and play environment.” Staff would like to know if that is a definition that the Commission feels that represents the findings for the Use Permit and if they think that it should be massaged somewhat and if staff is headed in the right direction.

Commissioner Cavenee said that what they were saying is that they are going to allow the Mixed-Use component within Regional Commercial and that they are trying to define Mixed-Use. He said that his concern was that they make sure that they stipulate that in addition to being able to have the Multifamily that it cannot be exclusively Multifamily. Perhaps that is assumed currently but years down the road someone could come in and say that they are allowed to do Multifamily and the current discussion would not be remembered. It should be plainly stated that if they are going to do Multifamily it must be part of a larger Mixed-Use piece and then it would be allowed by Use Permit

Planner Temes commented that based on the definition of Multifamily in the Land Development Code it allows anything from duplexes on up in intensity. A lot of people were assuming that this Mixed-Use Multifamily was limited to Multifamily Low or Multifamily Medium but the actual definition in the code for Multifamily is from a duplex and forward.

Commissioner Cavenee said that he just wanted to make sure that they kept it Mixed-Use and that it does not become a singular element other than Commercial. It must be combined. He said that he thought it was a good definition, however, he would also say that Mixed-Use can be absent Residential. You can have a Mixed-Use Commercial so they may want to consider that as they go forward with that definition.

Chairman Wittmann said that if there is a 40 acre RC center with 20 acres developed and the remaining 30 undeveloped and a developer comes in, is the interpretation that the developer cannot claim the existing commercial and the to be developed residential as part of Mixed-Use component or does it need to be included in one application/ plan.

Commissioner Cavenee said that the mixed use concept is taking hold across the nation and is a very useful development tool but he wanted to make sure that it stays integrated. If not it will end up being multifamily adjacent to a commercial development. If someone comes in with a 40 acre RC parcel but points out that they are not ready to do commercial but are allowed to do multifamily that use would not be able to move forward because it does not meet the integrated component.

Chairman Wittmann said what if there is existing commercial there and a residential developer comes in and only intends to develop the multifamily and wants to use the existing commercial as part of that.

Commissioner Cavenee said that perhaps they should go case-by-case on that but in his opinion that would be a hard sell because it would not be integrated. He asked staff if the multifamily part of mixed-use included condo.

Planner Temes said that at this point in time it would. She said that she believed that the thought process was that the mixed-use would be part of a PAD development plan so that the uses in the plan is laid out as a comprehensive so that they would not have to say you cannot develop the multifamily until you develop the commercial. The integrated plan would be laid out and locked into zoning. The other option is that with the Use Permit they would be required to provide a development plan that would be an exhibit to the Use Permit that is tied to it and that is the development plan that goes forward with the property.

Commissioner Cavenee commented that his experience with mixed-use is that they are structurally integrated where for example the residential is above the commercial or something like that.

Planner Temes said that was discussed at the various meetings and they were somewhat apprehensive about that because you don't know what is coming in that could be really awesome. There was the idea that if you have good integration between the uses such as compact design, short walking distances, trees, good landscaping and connectivity you could take horizontal mixed-use and make it work together by place making.

Commissioner Peterson said that because they are doing a Use Permit for the residential component it is a case-by-case basis. She said that a Use Permit gives them 4 findings and that she was not comfortable just looking at those 4 findings and saying "yes it meets the 4 findings and so you can go in here automatically" because sometimes the project can meet those findings but it may not be the right project for that location. This will give them somewhat more to work with to add guidelines or factors that the developers would look at to bring the properties forward and then look at the findings.

Commissioner Sippel said that even though they meet the findings the applicant would still have to come before the Planning Commission so that does what Commissioner Cavenee was talking about in terms of a case-by-case basis.

Commissioner Powell asked if what they were doing currently was evaluating the text amendment for accepting Multifamily inside the zoning for Regional Commercial.

Planner Temes said that what they were doing was trying to define additional parameters. It is currently allowed with a Use Permit but they were the 4 original findings. What they are looking at is adding 4 or 5 additional findings for more parameters so that when making a decision the Commission has a little more guidance as to what a Mixed-Use is.

Commissioner Powell asked if the ordinance that describes what Mixed-Use is would be discussed later.

Ms. Temes said that planner Milillo would be bringing it back before the Commission in another study session and so it could be discussed currently or at a later time.

Commissioner Powell said that he had the opportunity to serve on the Stakeholders Group and that he felt that they did a very nice job defining the language. He said that he wanted to make sure that they carefully separated the Design Mixed-Use Guidelines as there are 3 – 5 pages of additional language that was not represented currently and that they were currently simply evaluating the guidelines for approving multi-housing in RC zoning.

Planner Temes said that what was being presented currently are the findings and the design guidelines are yet to be finalized.

Commissioner Peterson said that currently staff was just "checking in" to see how the Stakeholders Group was moving forward and to see if the Planning Commission thought that they were on the right track and if there was anything glaring that the Commission didn't feel that was going in the right direction.

Commissioner Bianchi said that he agreed with the comments that had been made by the other Commissioners. He said that he felt that the fifth finding for placemaking was somewhat subjective. He

said that his initial concern when first seeing the item at study session was that with the RC zoning on a large parcel does it provide a method for some developers to bypass the public hearing process for Multifamily. He said that he liked the direction that this was going.

Vice Chairman Oehler said that he attended a couple of the meetings and believed that they were on the right road with what they were doing. He said that he believed that in terms of the placemaking that it needed to be massaged somewhat and that it was a good idea to be vague but not too vague to where it becomes a tree and a bench.

Chairman Wittmann said that for the mixed land use they need to provide more clarity to that section and define what they consider as a mixed land uses if they expect two different types of land uses to be included in that. It would be nice to provide to the public and everyone else so that it is clear exactly what the Town is looking for. She asked in terms of sustainability through compact design what is defined as compact?

Planner Temes said that they were somewhat hesitant to put a dimensional/linear requirement to it but in Arizona walking outside 800 feet is probably considered the maximum distance for people to walk because of the heat. With interesting, out-of-the-box thinking a longer stretch is doable such as at the mall with misters. In this climate people aren't going to walk much more than a quarter of a mile to get from one use to another. You must have a comfortable place made environment to get people to go any distance. When doing horizontal mixed-use you must look at connectivity and that is where the compact design comes in. When in vertical mixed-use that is not as much of an issue. She said that they would have to look at it a little more while still being flexible.

Chairman Wittmann said that in terms of the placemaking that seemed vague as well, especially if they were incorporating some sort of residential component. She said that she would like more information as to what they were thinking of as far as significant public spaces and dedicated open spaces.

Planner Temes said that one of the other issues that were discussed was whether Multifamily coming in with fencing around it qualified As Mixed-Use. Is there ways to have on street parking for Multifamily and still feel secure and only have perhaps the clubhouse and pool area fenced in? If you put a wall all around a complex or development how is it integrated into the rest. That's not only part of placemaking but part of the overall idea of integration abuses. There will be ongoing discussion on that.

Commissioner Cavenee said that he believed that they would find that developers would want any residential parking to be secured and so requiring shared parking may be a difficult thing. Overnight parking in a public environment is sometimes a problem, particularly for residential.

#### **Discussion of Regular Meeting Agenda**

Vice Chairman Oehler said that they would move items 7, 8, 9, 10, 11, 13, 14 and 15 to the Consent Agenda.

#### **ADJOURN MEETING**

Chairman Wittmann adjourned the meeting at 6:25 p.m.

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**Chairman Jennifer Wittmann**

**ATTEST:**

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**Recorder Margo Fry**